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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,011	02/15/2007	Klaus Worgull	3702	6846
7590 Striker, Striker & Stenby 103 East Neck Road Huntington, NY 11743				
04/01/2009				
EXAMINER				
DENTER, CLARK F				
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
04/01/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/581,011

**Applicant(s)**

WORGULL, KLAUS

**Examiner**

Clark F. Dexter

**Art Unit**

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 7-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2009 is/are: a) ☒ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The amendment filed on January 2, 1009 has been entered.

#### ***Drawings***

2. The drawings were received on January 2, 2009. These drawings are acceptable-in-part.

The replacement drawing for Figure 4 is acceptable.

The replacement drawing for Figure 11 is not acceptable since sufficient support for replacing 49 with 48, and the location of 48 has not been found.

Further, the replacement drawing for Figure 13 is not acceptable because the orientation of the label "Prior Art" is not consistent with the other labeling in the drawing and thus is improper.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oster, pn 2,253,195.

Oster discloses a device with almost every structural limitation of the claimed invention including:

one lower and one upper shearing blade (e.g., 11, 11) solidly fixed to one another, and a cutting blade comprising cutting teeth and made from a flat material and configured to drive in oscillation, wherein the cutting blade is located in a slot between the lower and upper shearing blades, and wherein the cutting head is provided with a hair length cut adjuster configured such that the lower and the upper shearing blades can be adjusted relative to the cutting blade;

[claim 4] wherein the cutting blade is provided with a parallel guide (e.g., e.g. 14);

[claim 8] wherein the hair cutting machine (which is an intended use and is not part of the claimed invention) is operated with a battery or with a rechargeable battery (16);

[claim 9] wherein the cutting head is in the form of a structural unit;

[claim 10] wherein the cutting head is lockable to the hair cutting machine.

However, the Examiner takes Official notice that hair cutting length adjusters of various sorts are old and well known in the art and provide various well known benefits including facilitating various types of shaving to provide for a desired shaving experience and/or to achieve a desired appearance. Further, such adjustment mechanisms provide other well known benefits including facilitating blade positioning/alignment to provide the desired cutting action and cutting relationship

between the blades. Such adjustments are often made to accommodate replacement and/or worn blades. Therefore, it would have been obvious to one having ordinary skill in the art to provide a such a cutting length adjuster or more generally stated, a blade adjustment mechanism on the device of Oster to gain the well known benefits including those described above.

Further, Oster discloses a device with almost every structural limitation of the claimed invention but lacks:

- an explicit disclosure of hard sheet metal as set forth in claim 2;
- an explicit disclosure of the blade thickness as set forth in claim 3;
- a lubricant reservoir as set forth in claim 7.

Regarding claim 2, the Examiner takes Official notice it is old and well known in the art to make shaving components from hard metal sheet to gain the well known benefits including sturdiness and durability. Therefore, it would have been obvious to one having ordinary skill in the art to make components of the device of Oster from hard metal sheet to gain the well known benefits including those described above.

Regarding claim 3, it is noted that there are no relative dimensions given, and to make the device of Oster any size (i.e., to any scale) is well within the skill level of one having ordinary skill in the art.

Regarding claim 7, the Examiner takes Official notice that lubricant reservoirs in shaving devices are old and well known in the art and provide various well known benefits including treating the skin during shaving for various reasons including to enhance shaving comfort. Bott, pn 2,194,465 discloses just one example of a lubricant

reservoir on a shaving device. Therefore, it would have been obvious to one having ordinary skill in the art to provide a lubricant reservoir on the device of Oster to gain the well known benefits including those described above.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/  
Primary Examiner, Art Unit 3724**

cfd  
March 30, 2009